

Notice of Allowability	Application No.	Applicant(s)	
	10/024,034	BAZIN	
	Examiner	Art Unit	
	Andrew W. Johns	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's response filed 12 August 2005.
2. ☒ The allowed claim(s) is/are 1-163.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>3/11/05, 6/17/05</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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REASONS FOR ALLOWANCE

1. Applicant's arguments, see pages 2-3 of the response filed 12 August 2005, with respect to Giacchetti (US 2003/0065589 A1) and the certified translation of the foreign priority document filed 12 August 2005 have been fully considered and are persuasive. The rejection of claims 1-19, 24-32, 36-37, 42-77, 80-82, 89, 122-130 and 134-137 under 35 U.S.C. § 102(e) has been withdrawn.

2. Applicant's arguments, see pages 3-4 of the response filed 12 August 2005, with respect to Maddison et al. (US 3,571,947 A) have been fully considered and are persuasive. The rejection of claims 1-2, 11-12, 20, 38, 42, 69-72, 82, 86-88, 122-123, 130 and 134-136 under 35 U.S.C. § 102(b) has been withdrawn.

3. The following is an examiner's statement of reasons for allowance: The certified translation of the foreign priority document perfects applicant's foreign priority claim, so that the effective filing date of the instant claims is considered to be 21 December 2000, and Giacchetti (US 2003/0065589 A1) does not qualify as prior art under 35 U.S.C. § 102(e). In addition, as pointed out by applicant, Maddison et al. (US 3,571,947 A) fails to teach the generation or use of a sequence of images simulating *varying degrees* of at least one typological characteristic of an external body portion, as variously stipulated by each of the independent claims. At best, Maddison et al. teaches a sequences that simulates *varying types* of typological characteristics, but there is no suggestion in Maddison et al. that these images can simulate *varying degrees* of these characteristics, as claimed. Therefore, the claimed invention is allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

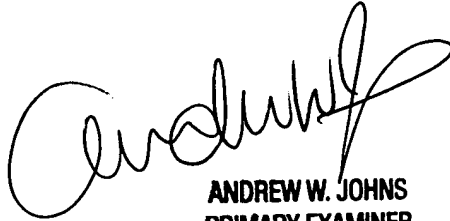
4. Claims 1-26, 27, 28, 29-42, 43-140, 141-142, 143-160 and 161-163 (now renumbered for issue as 1-26, 28, 27, 29-42, 61-158, 162-163, 41-60 and 159-161, respectively) are allowed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Johns whose telephone number is (571) 272-7391. The examiner is normally available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time. The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov. (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. § 502.03)

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached at (571) 272-7695. The fax phone number for this art unit is (571) 273-8300. In order to ensure prompt delivery to the examiner, all unofficial communications should be clearly labeled as "Draft" or "Unofficial."

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Receptionist whose telephone number is (571) 272-2600.

A. Johns
15 September 2005



ANDREW W. JOHNS
PRIMARY EXAMINER